

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:20-cr-134-SPC-MRM

FABIAN KELLY, JR.

a/k/a BOB

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PRELIMINARY ORDER OF FORFEITURE

Before the Court, pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853, 28 U.S.C. § 2461(c), and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, is the United States' Motion for Preliminary Order of Forfeiture ([Doc. 200](#)), seeking forfeiture of the following assets:

- a. Approximately **\$4,273.52 in U.S. currency** seized from the residence at 566 New York Drive; and
- b. **A Glock, Model 22 Gen 4, .40 caliber pistol, serial number RHD180, with magazine, and 16 rounds of .40 caliber ammunition**, seized from the residence at 566 New York Drive.

Defendant Fabian Kelly, Jr. pleaded guilty to conspiracy to distribute and possess with the intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 846 and 841(a)(1), possession with intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(C), and possession of

a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i). ([Doc. 179](#)). The undersigned United States District Court Judge accepted Kelly's plea and adjudicated him guilty of these offenses ([Doc. 184](#)); Kelly's sentencing is currently scheduled for October 25, 2021 ([Doc. 185](#)).

The United States has established the required connection between the crime of conviction and the assets. Because the United States is entitled to forfeit the property, the Motion for Preliminary Order of Forfeiture ([Doc. 200](#)) is **GRANTED**. Pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853, 28 U.S.C. § 2461(c), and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, the assets described above are **FORFEITED** to the United States of America for disposition according to law, subject to the provisions of 21 U.S.C. § 853(n), as incorporated by 28 U.S.C. § 2461(c).

The Court retains jurisdiction to complete the forfeiture and disposition of the assets sought by the government.

DONE and ORDERED in Fort Myers, Florida, on August 19th, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies to:
All Parties/Counsel of Record